

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSPEH ZIMMERMAN, ANTHONY
DEVITO, AND SEAN DONNELLY,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

PARAMOUNT GLOBAL, COMEDY
PARTNERS and DOES 1-10,

Defendants.

MICHAEL KAPLAN, an individual on
behalf of himself and all others similarly
situated,

Plaintiff

v.

COMEDY PARTNERS, a New York general
partnership,

Defendant.

1:23-cv-2409 (VSB)

**NOTICE OF MOTION AND
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT AGREEMENT**

Consolidated with:

Case No. 1:22-cv-09355 (VSB)

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on a date and time to be determined by the Court, or as soon as the matter may be heard by the Honorable Vernon S. Broderick in Courtroom 518 of the Thurgood Marshall, United States Courthouse, located at 40 Foley Square, New York, New York 10007, Plaintiffs Michael Kaplan, Joseph Zimmerman, Anthony DeVito, and Sean Donnelly (collectively, “Plaintiffs”) will, and hereby do, apply for an order, pursuant to Federal Rule of Civil Procedure 23(e), for preliminary approval of the proposed class settlement between Plaintiffs and

Defendants Paramount Global and Comedy Central in this action. Plaintiffs seek to certify the following class for settlement purposes:

All persons and entities, their agents, successors in interest, affiliates, assigns, heirs, executors, trustees, and administrators who are or were parties to Recording Contracts with Comedy Partners whose works have been distributed by digital audio transmission via SiriusXM Radio pursuant to such Recording Contracts between May 19, 2023, up to and including December 31, 2022.

Plaintiffs stand ready to provide oral argument to the extent the Court so desires or deems it necessary. The Motion shall be based on this Notice of Motion, the concurrently filed memorandum of points and authorities, and the supporting declarations and exhibits attached thereto.

Dated: August 29, 2024

PEARSON WARSHAW, LLP

/s/ Daniel L. Warshaw

Daniel L. Warshaw (Pro Hac Vice)

dwarshaw@pwfirm.com

Bobby Pouya (Pro Hac Vice)

bpouya@pwfirm.com

Adrian J. Buonanoce (Pro Hac Vice)

abuonanoce@pwfirm.com

PEARSON WARSHAW, LLP

15165 Ventura Boulevard, Suite 400

Sherman Oaks, California 91403

Telephone: (818) 788-8300

Facsimile: (818) 788-8104

Neville L. Johnson (Pro Hac Vice)

njohnson@jjllplaw.com

Douglas L. Johnson (Pro Hac Vice)

djohnson@jjllplaw.com

Melissa N. Eubanks (Pro Hac Vice)

meubanks@jjllplaw.com

JOHNSON & JOHNSON LLP

439 N. Canon Dr. Suite 200

Beverly Hills, California 90210

Telephone: (310) 975-1080

Facsimile: (310) 975-1095

Laurie Rubinow
lrubinow@millershah.com
225 Broadway, Suite 1830
MILLER SHAH LLP
New York, NY 10007
Telephone: (866) 540-5505
Facsimile: (866) 300-7367

Attorneys for Plaintiff Michael Kaplan

Scott A. Kamber
skamber@kamberlaw.com
KAMBERLAW, LLC
201 Milwaukee Street, Suite 200
Denver, CO 80206
Telephone: (646) 964-9600

Benjamin J. Sweet
ben@nshmlaw.com
**NYE, STIRLING, HALE, MILLER &
SWEET, LLP**
1145 Bower Hill Drive, Suite 104
Pittsburgh, PA 15243
Telephone: (412) 857-5350

Jonathan D. Miller
jonathan@nshmlaw.com
**NYE, STIRLING, HALE, MILLER &
SWEET, LLP**
33 W. Mission Street, Suite 201
Santa Barbara, CA 93101
Telephone: (805) 963-2345

*Attorneys for Plaintiffs Joseph Zimmerman,
Anthony DeVito, and Sean Donnelly*